HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5194 of 2000

Dated 27th June, 2007

Between

V.Nookarao and ors

…Petitioners

and

The Executive Engineer, Panchayatraj Departmet,
Zilla Parishad Office, Kakinada, EG Dist, and anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 5194 of 2000

ORDER:

In this Writ Petition, the petitioners seek Writ of Mandamus to declare the action of the respondents in proposing to form a road on the streamlet from the lands of petitioners covered by Sy.Nos. 287/1, 300, 272/2 ad 266/2 of Pedabrahmadevam village of Samalkota Mandal in E.G.District as illegal and arbitrary.

It is the grievance of the petitioners that though there is existing pathway, but however, leaving the same, road is sought to be laid affecting the lands of the petitioners, without acquiring the same.

In the counter affidavit filed on behalf of the respondents, it is stated that the proposed road is being laid on the edge of the

streamlet, i.e. on the bund, but not across the streamlet. While denying the obstruction of flow of water into the fields of the petitioners, it is stated that the road is being formed on the cart track, which was closed earlier due to huge bushes. Further, it is stated that by clearing bushes, road is being laid on the old cart track only.

As much as it is stated in the counter affidavit that lands of the petitioners are not affected in any way due to formation of road, which is laid on the old cart track by clearing the bushes, I do not find any merit in the Writ Petition.

The Writ Petition is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 27-6-2007.
Msnr.